

Application No. 10/735,343  
Amendment dated July 27, 2005

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

Claims 1-183. (cancelled)

184. (currently amended) A shoe comprising:

an upper, and

a rear sole secured below a portion of the upper, the rear sole comprising:

a member having a top wall with a lower surface, the top wall having at least one peripheral edge proximate a medial side of the shoe and at least one peripheral edge proximate a lateral side of the shoe, the peripheral edges of the top wall having a mid-longitudinal axis therebetween, the mid-longitudinal axis of the peripheral edges of the top wall including a point that is vertically aligned with the approximate center of the wearer's heel, the member having a bottom wall with an upper surface, the bottom wall having at least two portions approximately planar with each other, parallel with the ground, and separated by a gap therebetween, the top wall and the bottom wall each having a forward region and a rearward region, the forward regions of the top and bottom walls being connected at a closed end by a curved wall; the top, bottom, and curved walls being integral, the rearward regions of each of the top and bottom walls being separated from one another to define an open end therebetween, the open end being oriented away from the curved wall~~toward a back of the shoe, the rearward region of the top and bottom walls being separated from one another at an open end~~, at least a portion of the top and bottom walls being spaced a predetermined distance from each other such that during the wearer's gait cycle when the shoe is in contact with the ground the predetermined distance between the at least a portion of the top and bottom walls is reduced;

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at least one element positioned between at least a portion of the top wall and at least a portion of the bottom wall, the at least one element having a top, a bottom and at least one interior sidewall;

a void located beneath at least a portion of the top wall defined at least in part by the at least one interior sidewall of the at least one element;

at least one opening on at least one of the medial and lateral sides of the shoe, the opening being in air communication with the void; and

a bottom surface that is at least in part ground-engaging.

185. (previously presented) The shoe of claim 184, wherein a cross-sectional profile of the top and bottom walls that are connected at the closed end by the curved wall is generally in a recumbent U-shape.
186. (previously presented) The shoe of claim 184, wherein the reduced predetermined distance between the at least a portion of the top and bottom walls results from the at least a portion of one of the top and bottom walls deflecting toward the other in a substantially vertical direction.
187. (previously presented) The shoe of claim 184, wherein the reduced predetermined distance between the at least a portion of the top and bottom walls results from the at least a portion of the top wall deflecting toward the ground in a substantially vertical direction.
188. (previously presented) The shoe of claim 184, wherein the top wall has at least one peripheral edge proximate the rear of the shoe.
189. (currently amended) The shoe of claim 188, wherein the at least one peripheral edge of the top wall proximate one of the medial side of the shoe, the lateral side of the shoe, and the rear of the shoe is visible from outside the shoes.
190. (previously presented) The shoe of claim 184, wherein the bottom wall has at least one peripheral edge proximate one of the medial side of the shoe and the lateral side of the shoe.
191. (previously presented) The shoe of claim 190, wherein the at least one peripheral edge of the bottom wall is at least in part visible from outside the

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shoe.

192. (previously presented) The shoe of claim 184, wherein one of the at least two portions of the bottom wall has at least one peripheral edge proximate the medial side of the shoe and another of the at least two portions of the bottom wall has at least one peripheral edge proximate the lateral side of the shoe, the peripheral edges being approximately parallel with each other.
193. (previously presented) The shoe of claim 192, wherein the peripheral edges of the at least two portions of the bottom wall proximate the medial side and lateral side of the shoe are at least in part visible from outside the shoe.
194. (previously presented) The shoe of claim 192, wherein each of the at least two portions of the bottom wall has an interior edge, the interior edges of the at least two portions of the bottom wall being substantially planar with each other and substantially parallel with the ground.
195. (previously presented) The shoe of claim 184, wherein the curved wall has at least one peripheral edge proximate one of the medial side of the shoe and the lateral side of the shoe.
196. (previously presented) The shoe of claim 195, wherein the at least one peripheral edge of the curved wall is at least in part visible from outside the shoe.
197. (previously presented) The shoe of claim 184, wherein the curved wall has a mid-longitudinal axis, with an opening along the mid-longitudinal axis of the curved wall.
198. (previously presented) The shoe of claim 184, wherein the curved wall is approximately perpendicular to the major longitudinal axis of the shoe.
199. (previously presented) The shoe of claim 184, further comprising a cushion positioned beneath the wearer's heel and above at least a portion of the top wall of the member, the cushion and the top wall each being made of a material, the material of the cushion being more resilient than the material of the top wall.
200. (previously presented) The shoe of claim 199, wherein the cushion has an upper surface conforming in shape to the bottom surface of the wearer's heel.

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201. (previously presented) The shoe of claim 200, wherein the cushion is located at least in part beneath the approximate center of the wearer's heel.
202. (previously presented) The shoe of claim 201, wherein the cushion is located beneath and adjacent at least a portion of the upper.
203. (previously presented) The shoe of claim 184, wherein the lower surface of the top wall is at least in part visible from outside the shoe through the at least one opening on one of the medial and lateral sides of the shoe.
204. (previously presented) The shoe of claim 184, wherein the upper surface of the bottom wall is at least in part visible from outside the shoe through the at least one opening on at least one of the medial and lateral sides of the shoe.
205. (previously presented) The shoe of claim 184, wherein the interior sidewall of the at least one element is at least in part visible from outside the shoe through the at least one opening in one of the medial and lateral sides of the shoe.
206. (previously presented) The shoe of claim 184, wherein the at least one interior sidewall of the at least one element is at least in part visible from outside the shoe.
207. (previously presented) The shoe of claim 184, wherein an entire portion of the top wall over the at least one element is solid.
208. (previously presented) The shoe of claim 184, wherein the top wall has an opening beneath the wearer's heel.
209. (previously presented) The shoe of claim 208, wherein the opening in the top wall is visible at least in part through the at least one opening on at least one of the medial and lateral sides of the shoe.
210. (currently amended) The shoe of claim ~~184~~<sup>208</sup>, wherein the bottom surface of the rear sole has a non-ground-engaging portion that is vertically aligned with at least a portion of the calcaneus of the wearer of the shoe~~opening in the top wall~~.
211. (previously presented) The shoe of claim 210, wherein the non-ground-engaging portion of the bottom surface of the rear sole is located at least in part between the at least two portions of the bottom wall.

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212. (previously presented) The shoe of claim 210, wherein the non-ground-engaging portion of the bottom surface of the rear sole comprises a substantially planar portion and an adjacent portion non-planar with the planar portion.
213. (currently amended) The shoe of claim ~~212~~210, wherein the non-ground-engaging portion of the bottom surface of the rear sole comprises a tent-shaped portion extending toward the top wall.
214. (previously presented) The shoe of claim 213, wherein the tent-shaped portion extending toward the top wall has at least one sidewall at an angle to the at least in part ground-engaging portion of the bottom surface, the at least one interior sidewall of the at least one element being at an angle to the at least in part ground-engaging portion of the bottom surface, the at least one sidewall of the tent-shaped portion being adjacent the at least one interior sidewall of the at least one element.
215. (previously presented) The shoe of claim 214, wherein the angle of the at least one sidewall of the tent-shaped portion that is adjacent the at least one interior sidewall of the at least one element is approximately the same as the angle of the at least one interior sidewall of the at least one element that is adjacent the at least one sidewall of the tent-shaped portion.
216. (previously presented) The shoe of claim 184, wherein the at least in part ground-engaging portion of the bottom surface is formed of outsole material.
217. (currently amended) A shoe comprising:  
an upper, and  
a rear sole ~~secured below~~ a portion of the upper, the rear sole comprising:  
a member having a top wall with a lower surface, the top wall having at least one peripheral edge proximate a medial side of the shoe and at least one peripheral edge proximate a lateral side of the shoe, the peripheral edges of the top wall having a mid-longitudinal axis therebetween, the top wall having an opening beneath the wearer's heel, the mid-longitudinal axis of the peripheral edges of the top wall including a point that is vertically aligned with the

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approximate center of the opening in the top wall and the approximate center of the wearer's heel, the member having a bottom wall with an upper surface, the bottom wall having at least two portions approximately planar with each other, parallel with the ground, and separated by a gap therebetween, the top wall and the bottom wall each having a forward region connected at a closed end by a curved wall; the top, bottom, and curved walls being integral, at least a portion of the top and bottom walls being spaced a predetermined distance from each other such that during the wearer's gait cycle when the shoe is in contact with the ground the predetermined distance between the at least a portion of the top and bottom walls is reduced;

a void located beneath at least a portion of the opening in the top wall defined at least in part by a material positioned between at least a portion of the top wall and at least a portion of the bottom wall, at least a portion of the void being vertically aligned with the approximate center of the opening in the top wall;

at least one opening on at least one of the medial and lateral sides of the shoe, the opening being in air communication with the void; and

a bottom surface that is at least in part ground-engaging.

218. (previously presented) The shoe of claim 217, wherein a cross-sectional profile of the top and bottom walls that are connected at the closed end by the curved wall is generally in a recumbent U-shape.
219. (previously presented) The shoe of claim 217, wherein the reduced predetermined distance between the at least a portion of the top and bottom walls results from the at least a portion of one of the top and bottom walls deflecting toward the other in a substantially vertical direction.
220. (previously presented) The shoe of claim 217, wherein the reduced predetermined distance between the at least a portion of the top and bottom walls results from the at least a portion of the top wall deflecting toward the ground in a substantially vertical direction.

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- 221. (previously presented) The shoe of claim 217, wherein the top wall has at least one peripheral edge proximate the rear of the shoe.
- 222. (currently amended) The shoe of claim 221, wherein the at least one peripheral edge of the top wall proximate one of the medial side of the shoe, the lateral side of the shoe, and the rear of the shoe is visible from outside the shoes.
- 223. (previously presented) The shoe of claim 217, wherein the bottom wall has at least one peripheral edge proximate one of the medial side of the shoe and the lateral side of the shoe.
- 224. (previously presented) The shoe of claim 223, wherein the at least one peripheral edge of the bottom wall is at least in part visible from outside the shoe.
- 225. (previously presented) The shoe of claim 217, wherein one of the at least two portions of the bottom wall has at least one peripheral edge proximate the medial side of the shoe and another of the at least two portions of the bottom wall has at least one peripheral edge proximate the lateral side of the shoe, the peripheral edges being approximately parallel with each other.
- 226. (previously presented) The shoe of claim 225, wherein the peripheral edges of the at least two portions of the bottom wall proximate the medial side and lateral side of the shoe are at least in part visible from outside the shoe.
- 227. (previously presented) The shoe of claim 225, wherein each of the at least two portions of the bottom wall has an interior edge, the interior edges of the at least two portions of the bottom wall being substantially planar with each other and substantially parallel with the ground.
- 228. (previously presented) The shoe of claim 217, wherein the curved wall has at least one peripheral edge proximate one of the medial side of the shoe and the lateral side of the shoe.
- 229. (previously presented) The shoe of claim 228, wherein the at least one peripheral edge of the curved wall is at least in part visible from outside the shoe.

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- 230. (previously presented) The shoe of claim 217, wherein the curved wall has a mid-longitudinal axis, with an opening along the mid-longitudinal axis of the curved wall.
- 231. (previously presented) The shoe of claim 217, wherein the curved wall is approximately perpendicular to the major longitudinal axis of the shoe.
- 232. (previously presented) The shoe of claim 217, further comprising a cushion positioned beneath the wearer's heel and above at least a portion of the top wall of the member, the cushion and the top wall each being made of a material, the material of the cushion being more resilient than the material of the top wall.
- 233. (previously presented) The shoe of claim 232, wherein the cushion has an upper surface conforming in shape to the bottom surface of the wearer's heel.
- 234. (previously presented) The shoe of claim 233, wherein the cushion is located at least in part beneath the approximate center of the wearer's heel.
- 235. (previously presented) The shoe of claim 234, wherein the cushion is located beneath and adjacent at least a portion of the upper.
- 236. (previously presented) The shoe of claim 217, wherein the opening in the top wall is visible at least in part through the at least one opening on at least one of the medial and lateral sides of the shoe.
- 237. (previously presented) The shoe of claim 217, wherein the lower surface of the top wall is at least in part visible from outside the shoe through the at least one opening on one of the medial and lateral sides of the shoe.
- 238. (previously presented) The shoe of claim 217, wherein the upper surface of the bottom wall is at least in part visible from outside the shoe through the at least one opening on at least one of the medial and lateral sides of the shoe.
- 239. (previously presented) The shoe of claim 217, wherein the material is at least in part visible from outside the shoe through the at least one opening in one of the medial and lateral sides of the shoe.
- 240. (previously presented) The shoe of claim 217, wherein the material is at least in part visible from outside the shoe.



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- 241. (previously presented) The shoe of claim 217, wherein an entire portion of the top wall over the material is solid.
- 242. (currently amended) The shoe of claim 217, wherein the bottom surface of the rear sole has a non-ground-engaging portion that is vertically aligned with at least a portion of the calcaneus of the wearer of the shoe~~opening in the top wall~~.
- 243. (previously presented) The shoe of claim 242, wherein the non-ground-engaging portion of the bottom surface of the rear sole is located at least in part between the at least two portions of the bottom wall.
- 244. (previously presented) The shoe of claim 242, wherein the non-ground-engaging portion of the bottom surface of the rear sole comprises a substantially planar portion and an adjacent portion non-planar with the planar portion.
- 245. (currently amended) The shoe of claim ~~244~~242, wherein the non-ground-engaging portion of the bottom surface of the rear sole comprises a tent-shaped portion extending toward the top wall.
- 246. (previously presented) The shoe of claim 245, wherein the tent-shaped portion extending toward the top wall has at least one sidewall at an angle to the at least in part ground-engaging portion of the bottom surface, a portion of the material being at an angle to the at least in part ground-engaging portion of the bottom surface, the at least one sidewall of the tent-shaped portion being adjacent the portion of the material.
- 247. (previously presented) The shoe of claim 246, wherein the angle of the at least one sidewall of the tent-shaped portion that is adjacent the portion of the material is approximately the same as the angle of the portion of the material that is adjacent the at least one sidewall of the tent-shaped portion.
- 248. (previously presented) The shoe of claim 217, wherein the at least in part ground-engaging portion of the bottom surface is formed of outsole material.
- 249. (new) The shoe of claim 184, wherein the void is defined at least in part by a portion of the lower surface of the top wall which is in air communication with the outside of the shoe through the void.

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250. (new) The shoe of claim 217, wherein the void is defined at least in part by a portion of the lower surface of the top wall which is in air communication with the outside of the shoe through the void.